

U.S. Department of Justice

United States Attorney Southern District of New York

The Silvio J. Mollo Building One Saint Andrew's Plaza New York, New York 10007

November 4, 2015

BY ECF & HAND

The Honorable Jed S. Rakoff United States District Judge Southern District of New York Daniel Patrick Moynihan U.S. Courthouse 500 Pearl Street New York, New York 10007

> Re: <u>United States v. Elehecer Balaguer</u>, 15 Cr. 275 (JSR)

Dear Judge Rakoff:

On October 5, 2015, the Government submitted a sentencing memorandum to the Court requesting that the defendant receive a sentence within the Sentencing Guidelines range of 24 to 30 months' imprisonment. The defendant subsequently made a sentencing submission to the Court, which contained, among other things, a letter from the defendant's physician stating that the defendant was recently diagnosed with liver cancer and has less than one year to live.

With the permission of the defendant, the Government spoke with the defendant's physician, who confirmed that the defendant suffers from terminal liver cancer. The Government also retained an independent physician to examine the defendant's medical records. That independent physician confirmed that the defendant may soon succumb to liver cancer.

Given the defendant's terminal illness, the Government respectfully requests that the Court impose a below-Guidelines sentence of probation.

PREET BHARARA
United States Attorney
Southern District of New York

Respectfully submitted,

By: ___/s/_ Ian McGinley Assistant United States Attorney (212) 637-2257

cc: Manuel Sanchez, Jr., Esq. (by email)